

486

REQUEST

FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE

AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIREConvention on the service abroad of judicial and extrajudicial documents in civil or
commercial matters, signed at The Hague, November 15, 1965.Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile
ou commerciale, signée à La Haye, le 15 Novembre 1965.Identity and address of the applicant
*Identité et adresse du requérant*Maria E. Recalde, Esq.
SHEEHAN PHINNEY BASS + GREEN, P.A.
260 Franklin Street, Suite 1901
Boston, Massachusetts 02110
UNITED STATES OF AMERICA
Tel. 1.617.897.5620Address of receiving authority
*Adresse de l'autorité destinataire*CENTRAL AUTHORITY FOR THE REPUBLIC OF KOREA
Ministry of Court Administration
Attn.: Director of International Affairs
967, Seocho-dong, Seocho-gu, Room 503
Seoul 137-750
REPUBLIC OF KOREAThe undersigned applicant has the honour to transmit in duplicate the document listed below and, in conformity with article 5 of the
above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,
(identity and address)Le requérant soussigné a l'honneur de faire parvenir—en double exemplaire—à l'autorité destinataire les documents ci-dessous énumérés,
en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:
(identité et adresse) SAMSUNG ELECTRONICS CO., LTD.Samsung Main Building 250, 2-GA, TaePyung-Ro, Chung Ku, Seoul 100-742, REPUBLIC OF KOREA

- ☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
(a) selon les formes légales (article 5, alinéa premier, lettre a).
- ☒ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
(b) selon la forme particulière suivante (article 5, alinéa premier, lettre b) : Personal Service in accordance with your internal
law for service of documents upon persons or entities in your territory.

- ☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*:
(c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes*—with a certificate
as provided on the reverse side.Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte—et de ses annexes—avec
l'attestation figurant au verso.SERVICE IS REQUESTED PURSUANT TO PUBLIC LAW 97-462 OF FEB. 26, 1983 WHICH AMENDED RULE 4(c)(2)(a) OF THE
U.S. FEDERAL RULES OF CIVIL PROCEDURE.

List of documents

Énumération des pièces

Executed "Request," in duplicate

"Certificate" (unexecuted), in duplicate

"Summary" with Attachment "A," in duplicate

"Notice," in duplicate

Summons in a Civil Action, in English and Korean, in duplicate

Complaint and demand for Jury Trial, with Exhibit "A,"
in English and Korean, in duplicate

Civil Cover Sheet, in English and Korean, in duplicate

*Delete if inappropriate
Rayer les mentions inutilisées.Done at Boston, Massachusetts, U.S.A., the November 30, 2004

Fait à _____, le _____

Signature and/or stamp.

Signature et/ou cachet.

Maria E. Recalde(Formerly OBD-116 which was formerly LAA-116,
both of which may still be used)USM-94
(Est. 11/22/77)

SUMMARY OF THE DOCUMENT TO BE SERVED
ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa 4)

Name and address of the requesting authority: Michael C. Harvell, Esq. and James P. Harris, Esq.
Nom et adresse de l'autorité requérante : SHEEHAN, PHINNEY, BASS + GREEN, PA
260 Franklin Street, Suite 1901, Boston, Massachusetts 02110, U.S.A.
Tel. 1.617.897.5620

Particulars of the parties*:

Identité des parties : GETRONICSWANG CO., LLC, Plaintiff
HYNIX SEMICONDUCTOR, INC., SAMSUNG ELECTRONICS CO., LTD., Defendants

JUDICIAL DOCUMENT**
ACTE JUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte : To give notice to the Defendant of the commencement of a civil claim against it,
and to summon it to answer or otherwise respond.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Nature et objet de l'instance, le cas échéant, le montant du litige : See Attachment "A."

Date and place for entering appearance:**

Date et lieu de la comparution : Defendant is required to serve upon plaintiff's attorney an answer to the complaint within twenty (20) days after service of the summons, exclusive of the day of service. Defendant must also file its answer within a reasonable period of time after service with the Clerk of the United States District Court, Eastern Division, District of Massachusetts, John Joseph Moakley Courthouse, 1 Courthouse Way, Boston, Massachusetts 02210, U.S.A.

Court which has given judgment:**

Jurisdiction qui a rendu la décision : N/A

Date of judgment:**

Date de la décision : N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte : Defendant is required to serve upon plaintiff's attorney answer to the complaint within twenty (20) days after service of the Summons, exclusive of the day of service. If defendant fails to do so, judgment by default will be taken against it for the relief demanded in the Complaint. Any answer that Defendant serves on the parties to this action must be filed with the Clerk of the Court within a reasonable period of time after service.

EXTRAJUDICIAL DOCUMENT**
ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte : N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte : N/A

* If appropriate, identity and address of the person interested in the transmission of the document.

S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

*U.S. Government Printing Office: 1990-262-211/15302

** Delete if inappropriate.

Rayer les mentions inutiles.

Attachment "A"
to "Summary of the Document to be Served"

This action arises out of certain licensing agreements entered into by Defendants Hynix Semiconductor, Inc. and Samsung Electronics Co., Ltd. in the early 1990's, pursuant to which Defendants or their predecessors became obligated to make royalty payments in U.S. Dollars to Wang Laboratories, Inc., the predecessor of Plaintiff Getronics Wang Co., LLC. Defendants and/or their predecessors in interest improperly withheld a portion of the royalty payments and paid those sums over to the Korean taxing authorities. Plaintiff now brings this action to recover, among other things, the full amount of the royalty payments.

Plaintiff alleges breach of contract and breach of the duty of good faith and fair dealing.

Plaintiff prays for the following relief: judgment in favor of Plaintiff on all Counts of its Complaint; damages, plus interest; attorneys' fees and costs of this litigation and the Competent Authority proceeding; and such other relief as may be just and proper. Plaintiffs request a trial by jury.

NOTICE

*(recommended by the Fourteenth Session of
Hague Conference of October, 1980)*

identité et adresse du destinataire
identity and address of the addressee

SAMSUNG ELECTRONICS CO., LTD.
Samsung Main Building 250, 2-GA
TaePyung-Ro, Chung Ku
Seoul 100-742
REPUBLIC OF KOREA

TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES "ÉLÉMENTS ESSENTIELS DE L'ACTE" VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES :

Volunteer Lawyers Project of the Boston Bar Association
29 Temple Place
Boston, Massachusetts 02111
U.S.A.
1.617.423.0648

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE "SUMMARY OF THE DOCUMENT TO BE SERVED" WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD, HOWEVER, READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

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